IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Criminal Misc. Application No. 591 of 2006

1. Neki Ram S/o Mangal Singh
2. Ramesh S/o Sulek Chand
3. Sonu S/o Sulek Chand
4. Sulek Chand S/o Radhu
   All Applicants NO. 1 to 4
   R/o Village Rampur Raighati
   P.S. Laksar
   District Haridwar
5. Manda S/o Mangu Singh
   R/o Village Gandi Khata
   P.S. Shyampur
   District Haridwar .....Applicants

Versus

1. State of Uttaranchal
   Sher Singh S/o Phool Singh
   R/o Village Rampur Raighati
   P.S. Laksar
   District Haridwar ..... Respondents

Sri Sanjeev Singh, learned counsel for the petitioners
Sri G.S. Sindu, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the petitioners for quashing the criminal proceedings in Complaint Case No. 113 of 2006 Sher Singh Vs. Neki Ram & others under Sections 147, 148, 149, 323, 427, 504, 506 of I.P.C. pending in the court of Civil Judge (J.D.) / Judicial Magistrate, Laksar, District Haridwar.

2. Brief facts giving rise to this petition are that the respondent No. 2 – Sher Singh filed a complaint in the court of Civil Judge(J.D.)/J.M., Laksar under Sections 147, 148, 149 323, 427, 504, 506 I.P.C. alleging therein that there is a Patta in the name of Putravadhu – Rekha of respondent No. 2. On 25.03.2006 the applicants entered into the field of the respondent No. 2 and when the respondent No. 2 came to

know about this fact, he reached at the spot where the applicants beaten to him. Thereafter, the complainant lodged the F.I.R. against the applicants.

3. After the institution of the complaint the statement of the complainant/ respondent No. 2 was recorded under Section 200 Cr. P.C. and thereafter statements' of the witnesses were also recorded under Section 202 Cr. P.C. The Magistrate after having perused the documents available on record summoned the applicants on 18.04.2006.

4. Feeling aggrieved by the aforesaid impugned summoning order, this petition has been filed by the petitioners for quashing the criminal proceedings pending before the court below.

5. Heard Sri Sanjeev Singh, learned counsel for the petitioners, Sri G.S. Sindu, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of the court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr. P.C., I am not supported to pre-judge, the police papers and any discrepancies therein.

5. The allegations in the First Information Report and the material collected by the Investigating Officer during the investigation are referred in the chargesheet and the prima-

facie case makes out the offence. I therefore, do not find any ground for quashing the criminal proceedings at this stage.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed.

(B.C. Kandpal, J.)

27.07.2006
ASWAl